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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231, ON

25 April 2003

April 25, 2003
DATE

ATTORNEY FOR APPLICANTS

Attorney Docket No.: PG3672

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Robert West	25 April 2003
Serial No.:	09/980,070	Group Art Unit: 1641
Filed:	27 February 2002	Examiner: Changhwa J. Cheu
For:	Diagnosis of Chronic Obstructive Pulmonary Disease	

Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO NOTICE OF RESTRICTION REQUIREMENT UNDER 37 C.F.R. §1.143

Sir:

This paper is in response to the Office Action dated 25 March 2003, setting forth a thirty (30) day shortened statutory period for reply. This response is being filed within said period, and no fees are believed due. However, authorization is hereby given to deduct any fees required by this paper to Deposit Account No. 19-2570, should any fees be due.

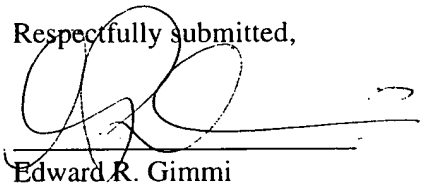
Claims 1-26 are subject to a restriction requirement. Upon review of the Detailed Action provided by the Examiner, Applicants provisionally elect the subject matter of Group II, Claims 5-8, and 19-22, with traverse.

In traversal, Applicants respectfully submit that according to PCT Rule 13.2, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical

features. The requirement is not, as the examiner alleges, fulfilled where there are any features in a group of claims not shared by any remaining group. In the instant application there is a technical relationship between all four groups of claims. The method of determining the severity of COPD of Group I provides an inventive concept, and associated special technical features, shared by all four groups of claims. Group II relies on this method to determine what treatment is suitable. The method of determining responsiveness to therapy involves measuring the severity of the symptoms during/after therapy of Group III comprises an aspect of the inventive concept of the Group I method. Group IV merely covers product claims associated with this inventive concept.

Applicants retain the right to file divisional applications on the non-elected subject matter, should the restriction requirement become final.

Respectfully submitted,



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